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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION		Docket Number (Optional) X-1464-1P-1P US
<p>In re Application of: Andy T. Nguyen Application No.: 10/696,226 Conf. No: 5260 Filed: October 28, 2003 For: Counter-Based Phased Clock Generator Circuits and Methods</p> <p>The owner*, <u>XILINX, INC.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending second application Application Number <u>10/651,811</u>, filed on <u>08-29-2003</u>, the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p> <p>11/17/2004 MBIZUNES 00000021 240040 10696226 01 FC:1814 110.00 DA</p> <p> Signature</p> <p>11-09-2004 Date</p> <p>Lois D. Cartier, 40,941 Typed or printed name</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.</p>		

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PATENT & TRADEMARK OFFICE

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PTO/SB/17 (10-02)

Approved for use through 10-31-2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

Application / Conf. No.	10/696,226	/	5260
Filing Date	October 28, 2003		
First Named Inventor	Andy T. Nguyen		
Examiner Name	Minh T. Nguyen		
Art Unit	2816		
Attorney Docket No.	X-1464-1P-1P US		

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																				
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees, any additional fees required, and credit any over payments to:</p> <p><input checked="" type="checkbox"/> Deposit Account</p> <p>Deposit Account Number 24-0040</p> <p>Deposit Account Name XILINX, INC.</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Fee Code</th> <th>(\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>430</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,530</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>340</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>340</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>300</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,370</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,370</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>790</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>790</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>790</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr> <td colspan="4">Other fee (specify) <u>Terminal Disclaimer (1.20(d))</u></td> <td colspan="3">\$ 110</td> </tr> <tr> <td colspan="4">SUBTOTAL (2) (\$)</td> <td colspan="3">*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 110.00)</td> </tr> </tbody> </table>			Large Entity Fee Fee Code	(\$)	Fee Description	Fee Paid	1051	130	Surcharge - late filing fee or oath		1052	50	Surcharge - late provisional filing fee or cover sheet.		1812	2,520	For filing a request for ex parte reexamination		1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	Extension for reply within first month		1252	430	Extension for reply within second month		1253	950	Extension for reply within third month		1254	1,530	Extension for reply within fourth month		1255	2,080	Extension for reply within fifth month		1401	340	Notice of Appeal		1402	340	Filing a brief in support of an appeal		1403	300	Request for oral hearing		1451	1,510	Petition to institute a public use proceeding		1452	110	Petition to revive - unavoidable		1453	1,370	Petition to revive - unintentional		1501	1,370	Utility issue fee (or reissue)		1460	130	Petitions to the Commissioner		1807	50	Petitions related to provisional applications		1806	180	Submission of Information Disclosure Stmt		8021	40	Recording each patent assignment per property (times number of properties)		1809	790	Filing a submission after final rejection (37 CFR 1.129(a))		1810	790	For each additional invention to be examined (37 CFR 1.129(b))		1801	790	Request for Continued Examination (RCE)		Other fee (specify) <u>Terminal Disclaimer (1.20(d))</u>				\$ 110			SUBTOTAL (2) (\$)				*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 110.00)		
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SUBMITTED BY			Complete (if applicable)		
Name (Print/Type)	Lois D. Cartier	Registration No. (Attorney/Agent)	40,941	Telephone	720-652-3733
Signature			Date	11-09-2004	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia, 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.